

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DANIEL J. SULLIVAN

Plaintiff,

v.

WILLIAM K. WOODRUFF, III,
WOODRUFF FAMILY, LTD. and
OPTICAL SWITCH CORPORATION

Defendants.

Civil Action No.
05-CV-10310-MLW

PLAINTIFF'S MOTION TO CONTINUE SCHEDULING CONFERENCE

By Order dated March 2, 2006 (the "Order") this Court acted on Defendants' pending motions, established a schedule for the appearance of new lead counsel for Defendants and set a date for a Scheduling Conference on May 25, 2006 at 4:00 p.m. The Order further provides that if the Defendants request an extension of the time by which new counsel is to appear, then the Scheduling Conference will be held on June 13, 2006 at 4:00 pm. (the "Alternate Date").

Lead counsel for Plaintiff will be out of the country from June 8 through 22, 2006, and therefore Plaintiff respectfully requests that the Alternate Date for the Scheduling Conference be set for a date either before June 8 or on or after June 26, 2006.

Counsel for Defendants have indicated that they would be available if the Alternate Date were set for a date on or after June 26, 2006, but they have indicated that they would be unavailable for a Scheduling Conference in late May. Their preference would be to set an Alternate Date on or after June 26, 2006.

WHEREFORE, Plaintiff Daniel J. Sullivan respectfully requests that this Court grant his

motion and modify the Order so as to provide that the Alternate Date for the Scheduling Conference be set for a date either before June 8, 2006 or on or after June 26, 2006.

Dated: March 9, 2006

Respectfully submitted,

DECHERT LLP

By: /s/ Bernard J. Bonn III

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ATTORNEYS FOR PLAINTIFF

DANIEL J. SULLIVAN

LR 7.1(A)(2) CERTIFICATION

I hereby certify that I conferred with counsel for Defendants in an effort to resolve or narrow the requested relief, and I have set forth their position on this motion above.

/s/ Bernard J. Bonn III

Bernard J. Bonn III